

The Honorable Robert S Lasnik

**UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

James McDonald

Plaintiff

No. C10-1952-RSL

v.

**OneWest Bank, FSB,
Northwest Trustee Services,
Mortgage Electronic Registration Systems,
Defendants.**

Plaintiff's Response to Defendants' Motion
to Compel Pre-Trial

Noting Date: March 1, 2013

Comes now, Plaintiff James McDonald, through the undersigned counsel, and files this response to Defendants' Motion to Compel.

Plaintiff's counsel has been waiting for the "road map" that the Court stated it would provide the parties for establishing dates moving forward in this litigation. This was stated at the end of the Evidentiary Hearing on January 31, 2013. Plaintiff has also filed a Motion to Continue Trial in order to rebut arguments and testimony that the Defense presented in the evidentiary hearing. This motion was filed on February 15, 2013 and is noted for March 1, 2013.

The Defense is incorrect in assuming that Pre-Trial statements under Local Rule 16(h) are connected in any way to deadlines for Motions in Limine. The deadline set forth in the Fourth Amended Trial Dates for Motions in Limine occurred simultaneously to when the Plaintiff's pre-trial statement would have been due had the trial occurred on December 3rd, 2012 (Dkt. 162). The Defendants' pre-trial statement would not have been due for another 10 days. Both

1 parties filed their Motions in Limine on the scheduled day of November 5, 2012. The Fifth
2 Amended Trial Dates (Dkt. 202) and the Sixth Amended Trial Dates (Dkt. 203) continued the
3 Pre-trial statements but did not extend the Motions in Limine as they have already been filed.

4 The filing of this Motion is in itself frivolous and unnecessary. The Plaintiff was more than
5 willing to accommodate the Defense and still make the deadline of the Pre-Trial Order on
6 March 20, 2013. It is also interesting how the Defense asks for new dates in this Motion, but
7 filed an opposition of extending the trial the previous day.

8 Wherefore Plaintiff moves the Court to deny the Defense's motion.

9 Respectfully Submitted this 25th day of February, 2013.

11 /s/ Ha Thu Dao

12 _____
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24 **HA THU DAO, ESQ.**

CERTIFICATION OF SERVICE

I hereby certify on February 25, 2013, the foregoing document is being served via
___First Class Mail ___Priority Mail, ___Messenger Service ___Facsimile ___Electronic
Mail___X___ECF, upon the following parties:

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